APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,589	06/29/2001	Julian Durand	017.38953X00	5623

			EXAMINER
20457	7590	01/12/2005	TRUONG, LAN DAI T

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/893,589	DURAND ET AL.
	Examiner	Art Unit	
	Ian dai thi truong	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*03 July 2002*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 September 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>01/13/03, 07/26/01</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim objections

Claim 8 is objected to because of following information: Missing number 7.

The correction is required.

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 6-8, 10-15, 17-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Macroncini et al. (U.S. 6,834,110), herein after referred to as Macroncini

1) In referring to claim 1:

Limitation : A system for communicating data and protecting rights therein,

comprising:

1a) "At least one user device with rendering application which communicates wirelessly and is capable of performing a mutual authentication with a server for receiving data" is matched (column 1, lines 11-19; column 11, lines 38-49; column 9, lines 30-50; column 69, lines 31-32; column 12, lines 53-57; column 14, lines 53-58, 27-37; column 13, lines 47-64; column 25, lines 13-30; column 24, lines 41-49).

Macroncini disclosed The Secure Digital Content Electronic Distribution System and related tools for the secure delivery and rights management using the trusted party such as Clearinghouse for transaction verification and license authorization what Shared identical functionality with "mutual authentication" of digital assets films, games, and music over global communications networks such as Internet, satellite broadcast network what are equivalent to "communicates wirelessly". Macroncini taught that The Secure Digital Content Electronic Distribution System comprises the Electronic Digital Content Store is a web server which is equivalent to " a server" and End-user device(s) which is equivalent to "user device with rendering application" such as PCS, set top boxes, and Internet application those can copy or store digital contents such as pictures, movies, videos, music, program, multimedia, and games. As a part of the web-base interaction, The end-user device makes the selection of content and provide personal information, financial information, and agreement to conditional of purchase then the Electronic Digital Content Store (s) can obtain payment authorization through Clearinghouse. So ideally Macroncini's system meets limitation "At least one user device with rendering application which communicates wirelessly and is capable of performing a mutual authentication with a server for receiving data".

1b) "A server in communication with said at least one user device and including a

trusted lock" is matched (column 69, lines 30-32; column 13, lines 16-26, 45-67; column

14, lines 1-5, 23-25;).

Macroncini disclosed the Electronic Digital Content Store is web server what is

equivalent to "a server" and the Clearinghouse that could be part of Electronic Digital

Content Store. Macroncini taught that once Electronic Digital Content Store completes a

valid request for electronic content from an End-user device this processing is shared

identical functionality with "A server in communication with said at least one user

device", the Electronic Digital Content Store is responsible for authorizing the

Clearinghouse to release the decryption key for the electronic content to the customer.

So ideally, Macroncini's system meets limitation of "A server in communication with said

at least one user device and including a trusted lock".

1c) "A rights management engine for applying and enforcing user rights

associated with said data" is matched (column 9, lines 63-67, column 10, lines 1-10, 26-

29; column 13, lines 47-64, column 24, lines 41-67; column 25, lines 1-3, column 44,

lines 11-37)

Macroncini disclosed Clearinghouse is shared identical functionality with "rights

management engine". Macroncini taught that Clearinghouse takes care licensing

authorization and the control, enforcement for contents distribution. Clearinghouse

releases decryption keys only for authorized and appropriate usage requests and only

users who have decryption keys can unlock the encrypted content. So, ideally

Macroncini's Clearinghouse is equivalent to "A rights management engine". Hence,

Macroncini's method meets limitation "A rights management engine for applying and enforcing user rights associated with said data."

1d) "A storage device for storing said data" is matched (column 12, lines 1-7, 45-57; figure 6, items 101).

Macroncini disclosed that content provider(s) are owners of data which includes encrypted content, encryption key, metadata and digital content-related data are packed in secure contain (SC) and this data is stored in a content hosting site and/ or promotional website which is equivalent to data storage device for electronic contents distribution. The content hosting site could be resided in content provider(s). So, Macroncini's ideas meet limitation "A storage device for storing said data."

1e) "A storage device for recording a time stamped and digitally signed audit trail" is matched (column 24, lines 41-49; column 26, lines 66-67; column 27, lines 1-2; column 47, lines 36-67; column 48, lines 1-45)

Macroncini disclosed Clearinghouse is a secure storage device for recording authorization of data communication in a secure audit trail because Clearinghouse maintains a Audit Logs of information such as date and time of request, date time of purchase transaction, date time of report was sent out and other information such as Identification of the content provider(s), Identification of End-user device(s). So, ideally Macroncini's meets limitation of "A storage device for recording a time stamped and digitally signed audit"

2) In referring to claim 2:

Limitation "The system according to claim 1, wherein said server, rights management engine, data storage and audit rail storage are in a secure location separate from the user device so that trusted services including timing, auditing and copying are performed in a secure environment." is matched (column 25, lines 6-13; figure 6, item 101, 105, 109; column 12, lines 1-7, 45-57; column 14, lines 19-25; column 25, lines 6-10).

Macroncini disclosed the content hosting site and/ or promotional website which is equivalent to "data storage device" for electronic contents distribution as discussion on claim (1d), and the content hosting site and/ or promotional website can reside at the content provider(s). Furthermore, Macroncini disclose Clearinghouse which is equivalent to "rights management engine" and "audit rail storage" is accessible website to the end-user device, this processing means " 'rights management engine' and 'audit rail storage' are in a secure location separate from the user device". According to figure 6, In Macroncini's system, the communication between the content provider(s), Electronic Digital Content Store(s) which is equivalent to "server", and end-user device could also be over the Internet or other network. He explained they are interconnected together through Internet or satellite. So ideally, Macroncini's system meets limitation "wherein said server, rights management engine, data storage and audit rail storage are in a secure location separate from the user device so that trusted services including timing, auditing and copying are performed in a secure environment."

3) In referring to claim 3:

Limitation "The system according to claim 1, wherein said user device includes a storage device for holding data which is released under instructions from said server." is matched (column 9, lines 35-41; column 91, lines 33-36; column 92, lines 13-24; column 61, lines 42-46; column 83, lines 20-25).

Macroncini disclosed storage device on the end-user' system to store and retrieve data such as external media, Digital Content Library. So, Macroncini's ideas meet limitation "wherein said user device includes a storage device for holding data which is released under instructions from said server."

4) In referring to claim 6:

Limitation "A method of communicating data from a server to a user device and protecting rights therein, comprising:

4a) "Authenticating identification of said server and said user device." is matched (column 25, lines 22-30; column 35, lines 29-32; column 13, lines 16-21; column 24, lines 28-34, column 45, lines 5-10).

Macroncini disclosed Clearinghouse is trusted third party for Authenticating identification between the Electronic Digital Content Store(s) which is equivalent to "a server" and End-user device what is equivalent to "user device". Macroncini taught that the Electronic Digital Content Store(s) assigned a unique application ID to End-User application Player and downloaded the End-Use Player Application to End-user device so End-User can use for application license verification. The Electronic Digital Content Store(s) then recognizes Identification of End-User at the time the End-User makes the buying selection and provides personal information. Furthermore, Macroncini disclosed

the Electronic Digital Content Store(s) completes a valid request for electronic Content

from the End-Use device, the Electronic Digital Content Store(s) is also responsible for

authorization the Clearinghouse which is trusted third party to release the decryption

key for decrypting content to the customer. So, ideally Macroncini's method meets

limitation "Authenticating identification of said server and said user device."

4b) "Requesting data to be communicated." is matched (column 13, lines 16-26;

column 21, lines 11-17; column 25, lines 14-21).

Macroncini disclosed the Electronic Digital Content Store what is " a server"

responses to valid request for electronic Content what is "data" from the End-user

device, this is shared identical functionality with "Requesting data to be communicated."

4c) "Authorizing said data to be communicated based on rights attributed to said

user device." is matched (column 9, lines 60-67; column 10 lines 1-12, 58-67; column

11, lines 1-2; column 28, lines15-40; column 21, lines 11-65; column 22, lines 1-3).

Macroncini disclosed watermark is embedded in the content at the End-user

Device(s) to identify the content purchase (or licensee) and End-user device(s), to

specify the purchase or license conditions and valid date. After the Clearinghouse

authorizes license, the Clearinghouse(s) provides licensing authorization by enabling

end-user(s) to un-clock content after verification of a successful completion of licensing

authorization. So, ideally Macroncini's method meets limitation "Authorizing said data to

. be communicated based on rights attributed to said user device."

4d) "Recording said authorization to provide for an trail." is matched (column 47,

lines 36-67; column 48, lines 1-57)

Macroncini disclosed audit logs and tracking method, he taught that the

Clearinghouse is the trusted third party who handled recording all purchase

authorization processing between Electronic Digital Store(s) and End-User device. So,

ideally Macroncini's method meets limitation "Recording said authorization to provide for

an trail".

4 e)"Communicating said data to said user device." is matched (column 13, lines

16-26; column 21, lines 11-17; column 25, lines 14-21; column 21, lines 10- 32).

Macroncini disclosed that when the end-users complete shopping, they submit

the purchase request to the Electronic Digital Content Store for processing. The

Electronic Digital Content Store what is " a server" responses to valid request for

electronic Content what is "data" from the End-user device, the Electronic Digital

Content Store transmits the SC (SC includes encrypted data, encrypted key, metadata)

to end-user, this processing is shared identical functionality with "Communicating said

data to said user device."

5) In referring to claim 8:

Limitation "The method according to claim 6, wherein said data is communicated

to said user device and stored therein and rendered in sections according to instructions

communicated from said server." is matched (column 11, 38-40).

Macroncini disclosed Network architecture supports content distribution over

Internet or satellite or cable. The architecture is designed so that content providers or

retailer which are equivalent to "server" to offer Content to End-user device and enable

the user to purchase or license content, play it black which is equivalent to "rendering"

and record content which is identical functionality with "store data" on various complaint

player devices. So Macroncini's ideas meet limitation "The method according to claim 6,

wherein said data is communicated to said user device and stored therein and rendered

in sections according to instructions communicated from said server."

6) In referring to claim 10:

Limitation "The method according to claim 6, wherein said authorization step is

performed by a digital rights management engine in communication with said server." is

matched (column 44, lines 11-37; column 77, lines 62-67; column 78, lines 1-7; column

13, lines 16-21, 47-64; column 24, lines 41-54; column 10, lines 6-11).

Macroncini disclosed Clearinghouse(s) what is equivalent to "digital rights

management engine" is responsible for the right management. The clearinghouse

functions include enablement of Electronic Digital Content Store(s) which is shared

identical functionality with "a server". Macroncini disclosed that Clearinghouse contacts

with Electronic digital Content Store, this processing is shared identical functionality with

"a digital rights management engine in communication with said server" to verify the

rights to purchased contents. So, ideally Macroncini's method meets limitation "wherein

said authorization step is performed by a digital rights management engine in

communication with said server."

7) In referring to claim 11:

Limitation "The method according to claim 6, wherein said recording step is

performed in a storage device to record authorization along with time and other

information in order to provide a trusted audit trail, which is based on trusted time and a

trusted third party to sign the recording." is matched (column 24, lines 41-49; column 26,

lines 66-67; column 27, lines 1-2; column 47, lines 36-67; column 48, lines 1-45)

Macroncini disclosed Clearinghouse as the trusted party what is equivalent to " a

trusted third party to sign the recording". Macroncini disclosed Audit Logs and Tracking

method by using Clearinghouse. He taught that the Clearinghouse maintains a Audit

Logs of information such as date and time of request, date time of purchase transaction,

date time of report was sent out which are equivalent to trusted time, and other

information such as Identification of the content provider(s), Identification of End-user

device(s). So, ideally Macroncini's meets limitation of "The method according to claim 6,

wherein said recording step is performed in a storage device to record authorization

along with time and other information in order to provide a trusted audit trail, which is

based on trusted time and a trusted third party to sign the recording."

8) In referring to claim 12:

Limitation "The method according to claim 6, wherein said data is originally

stored in a content storage device connected to said server." is matched (column 25,

lines 4-13; figure 6, items 101, 103; column 12, lines 1-7, 45-57).

Macroncini disclosed that content provider(s) are owners of data which includes

encrypted content, encryption key, metadata and digital content-related data are packed

in secure contain (SC), the data is stored in a content hosting site and/ or promotional

website for electronic distribution which is equivalent to data storage device. The

content hosting site can reside at the content provider(s). Also Macroncini taught that

the communication between the content provider(s) and Electronic Digital Content

Store(s) could also be over the Internet or other network. So, Macroncini's method

meets limitation "A data storage device connected to said server for storing said data."

9) In referring to claim 13:

Limitation "A rights secure communication device for providing data to a

user device comprising:

9a)"A server, which is capable of performing a mutual authentication with the

user device" is matched (column 1, lines 11-19; column 9, lines 30-50; column 69, lines

31-32; column 12, lines 53-57; column 14, lines 53-58, 27-37; column 13, lines 47-64;

column 25, lines 13-30; column 24, lines 41-49).

Macroncini disclosed The Secure Digital Content Electronic Distribution System

and related tools for the secure delivery and rights management using the trusted party

such as Clearinghouse for transaction verification and license authorization what

Shared identical functionality with "mutual authentication" of digital assets films, games,

and music over global communications networks such as Internet, satellite broadcast

network. Macroncini taught that The Secure Digital Content Electronic Distribution

System comprises the Electronic Digital Content Store is a web server which is

equivalent to " a server" and End-user device(s) which is equivalent to "user device with

rendering application" such as PCS, set top boxes, and Internet application those can

copy or store digital contents such as pictures, movies, videos, music, program,

multimedia, and games. As a part of the web-base interaction, The End-User device

makes the selection of content and provide personal information, financial information,

and agreement to conditional of purchase then the Electronic Digital Content Store (s)

can obtain payment authorization through clearinghouse. So ideally Macroncini's

system meets limitation of "A server, which is capable of performing a mutual

authentication with the user device".

9 b) "A data storage device connected to said server for storing said data" is

matched (column 25, lines 4-13; figure 6, items 101, 103; column 12, lines 1-7, 45-57).

Macroncini disclosed that content provider(s) are owners of data which includes

encrypted content, encryption key, metadata and digital content-related data are packed

in secure contain (SC), the data is stored in a content hosting site and/ or promotional

website for electronic distribution which is equivalent to data storage device. The

content hosting site can reside at the content provider(s). Also Macroncini taught that

the communication between the content provider(s) and Electronic Digital Content

Store(s) could also be over the Internet or other network. So, Macroncini's method

meets limitation "A data storage device connected to said server for storing said data."

9 c)"A digital rights management engine connected to said server for determining

rights attributed to authenticated users." is matched (column 25, lines 6-10; figure 6,

items 105, 103).

Macroncini disclosed Electronic Digital Content Store(s) which is Shared identical

functionality with "server", End-user device and the Clearinghouse(s) which is

equivalent to "digital rights management engine" are interconnection by internet, and

unicast (point to point) transmission is used among those components. So, Macroncini'

ideas meet limitation "A digital rights management engine connected to said server for.

determining rights attributed to authenticated users."

10) In referring to claim 14:

Limitation "The communication device according to claim 13, further comprising a secure storage device for recording authorization of data communication in a secure audit trail" is matched (column 24, lines 41-49; column 26, lines 66-67; column 27, lines 1-2; column 47, lines 36-67; column 48, lines 1-45)

Macroncini disclosed Clearinghouse is a secure storage device for recording authorization of data communication in a secure audit trail because Clearinghouse maintains a Audit Logs of information such as date and time of request, date time of purchase transaction, date time of report was sent out and other information such as Identification of the content provider(s), Identification of End-user device(s). So, ideally Macroncini's meets limitation of "The communication device according to claim 13, further comprising a secure storage device for recording authorization of data communication in a secure audit trail"

11) In referring to claim 15:

Limitation "The communication device according to claim 13,wherein data is sent from said server to a user through a wireless communication system." is matched (column 9, lines 30-45; column 25, lines 4-13; figure 6, items 103, 109).

Macroncini disclose end-user device and Electronic Digital Content Store(s) which is equivalent to "server" could be communicated through point-to-point and broadcast infrastructures such as wireless, Internet or satellite. So, Macroncini's ideas meet limitation "The communication device according to claim 13, wherein data is sent from said server to a user through a wireless communication system."

12) In referring to claim 17:

Limitation "A mobile terminal system for receiving protected data, comprising:

12 a) "A wireless connection including a transmitter and receiver for

communication with a server which stores protected data, stores data relating to rights

to use said protected data and the storage device for recording transactions relating to

said protected data" is matched (column 11, lines 38-67; column 12, lines 1-7, 45-57;

figure 6, items 101, 105, 103, 109, column 25, lines 4-14).

Macroncini disclosed System functional elements of Secure Digital Content

Electronic Distribution System includes: content hosting sites which is equivalent to

data storage device can reside in content provider, Electronic content store which is

equivalent to server, transmission infrastructures satellite or cable which is equivalent to

transmitter, end-user device which is equivalent to receiver, and clearinghouse is

storage device for recording transactions. Those functional elements of system are

interconnected via Internet, and unicast (point-to-point). So, Macroncini' System meets

limitation "A wireless connection including a transmitter and receiver for communication

with a server which stores protected data, stores data relating to rights to use said

protected data and the storage device for recording transactions relating to said

protected data" is matched."

12 b) "A decryption engine for decrypting encrypted data sent from said server

through said wireless connection" is matched (column 30, lines 18-24).

Macroncini disclosed End-User Player Application is shared identical functionality

with "A decryption engine" uses the Symmetric Keys from the License SC(s) to decrypt

the encrypted Content. So, Ideally Macroncini's method meets limitation "A decryption

engine for decrypting encrypted data sent from said server through said wireless

connection."

12 c) "A rendering device for rendering said decrypting data to a user of said

mobile terminal." is matched (column 14, lines 27-52; column 94, lines 30-67; column

95, lines 1-11).

Macroncini disclosed set top box is shared identical functionality with rendering

device. Set top box receives data package, and displays data to users by usin g GUI

(graphical user interface). So Macroncini ideas meet limitation "A rendering device for

rendering said decrypting data to a user of said mobile terminal."

13) In referring to claim 18:

Limitation "The method according to claim 17, wherein said mobile terminal

includes a data storage device for temporarily storing protected data." is matched

(column 92, lines 12-27; column 9, lines 30-50).

Macroncini disclosed Digital Content Library which is equivalent to "data storage"

on the user system such as PCs, set-top boxes and Internet applications which is

equivalent to "mobile terminal" is used to store set of songs is "data" that have been

purchased. So, ideally Macroncini's system meets limitation "wherein said mobile

terminal includes a data storage device for temporarily storing protected data."

14) In referring to claim 19:

Limitation "A computer program embodied on a computer readable medium and

executable by a computer to communicate data having protected rights, comprising:

14 a) "Communicating wirelessly with a mobile terminal controlled by a user" is

matched (column 9, lines 35-45)

Macroncini disclosed Secure Digital Content Electronic Distribute System, in this

system, the content is distributed from Electronic Digital Content Store(s) which is

equivalent to server to end-user device using method point-to-point, and broadcast

infrastructures such as Internet, satellite and wireless. So, Macroncini's ideas meet

limitation "Communicating wirelessly with a mobile terminal controlled by a user."

14 b) "Determining rights of said user in protected data using a rights

management engine" (column 9, lines 63-67, column 10, lines 1-10, 26-29; column 13,

lines 47-64, column 24, lines 41-67; column 25, lines 1-3, column 44, lines 11-37)

Macroncini disclosed Clearinghouse is shared identical functionality with "rights

management engine". Macroncini taught that Clearinghouse takes care licensing

authorization and the control, enforcement for contents distribution. Clearinghouse

releases decryption keys only for authorized and appropriate usage requests and only

users who have decryption keys can unlock the encrypted content. So, ideally

Macroncini's Clearinghouse is equivalent to "A rights management engine". Hence,

Macroncini's method meets limitation "Determining rights of said user in protected data

using a rights management engine."

14 c) "Recording an audit trail of communications with said mobile terminal in a

storage device." is matched (column 24, lines 41-49; column 26, lines 66-67; column 27,

lines 1-2; column 47, lines 36-67; column 48, lines 1-45)

Clearinghouse is a secure storage device for recording authorization of data

communication in a secure audit trail because clearinghouse maintains a Audit Logs of

information such as date and time of request, date time of purchase transaction, date

time of report was sent out and other information such as Identification of the content

provider(s), Identification of End-user device(s). So, ideally Macroncini's meets limitation

of "Recording an audit trail of communications with said mobile terminal in a storage

device."

15) In referring to claim 20:

Limitation "A computer program according to claim 19, further comprising storing

said protected data in a secure location separate from said mobile terminal wherein all

operations regarding said protected data are performed in a secure environment." is

matched (column 25, lines 4-13; figure 6, items 101, 103 109; column 12, lines 1-7, 45-

57).

Macroncini disclosed the content hosting site and/ or promotional website which

is equivalent to "data storage device" for electronic contents distribution as discussion

on claim (1d), and the content hosting site and/ or promotional website can reside at the

content provider(s). Also Macroncini taught that the communications between the

content provider(s), Electronic Digital Content Store(s), end-user device could also be

over the Internet or other network what mean "storing said protected data in a secure

location separate from said mobile terminal". So, Macroncini's method meets limitation

"A computer program according to claim 19, further comprising storing said protected

data in a secure location separate from said mobile terminal wherein all operations

regarding said protected data are performed in a secure environment."

16) In referring to claim 21:

Limitation "The system according to claim 1,wherein said data is stored in

protected form." is matched (column 10, lines 23-29).

Macroncini disclosed content is encrypted within secure container and only users

who have received the decryption keys from clearinghouse can un-clock and use data.

So Macroncini ideas meet limitation "The system according to claim 1,wherein said data

is stored in protected form."

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or descry
> bed as set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which the invention was made.

17) Claim 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable

Macroncini et al. (U.S. 6,834,110), as applied to claim 1 above, and further in view of

Laursen et al. (U.S. 6,065,120)

17a) In referring to claim 4:

Limitation "The system according to claim 1, wherein said user device is a

wireless communication terminal such as a mobile station, a WAP-capable cellular

telephone, an extended markup language capable cellular telephone, or a cellular

phone with a processor-based system connected to it" is matched (column 9, lines 33-

54).

Macroncini disclosed:

- At least one user device with rendering application which communicates

  wirelessly and is capable of performing a mutual authentication with a

  server for receiving data

- A server in communication with said at least one user device and including

  a trusted lock

- A rights management engine for applying and enforcing user rights

  associated with said data

- A storage device for storing said data

- A storage device for recording a time stamped and digitally signed audit

  trail

But Macroncini failed to disclose "user device is a wireless communication

terminal such as a mobile station, a WAP-capable cellular telephone, an extended

markup language capable cellular telephone, or a cellular phone with a processor-

based system connected to it." However, Laursen disclosed the network channel could

be used to transmit data between a cellular phone and data server. It would have been

obvious to a person of ordinary skill in the art at the time the invention was make of

"user device is a wireless communication terminal such as a mobile station, a WAP-capable cellular telephone, an extended markup language capable cellular telephone, or a cellular phone with a processor-based system connected to it" because cellular phone is equivalent to mobile station or a WAP-capable cellular telephone. The combination would have been obvious because on of ordinary skill in the art would have been motivated to provide the users with portable, convenient and instant access to information being sough in the Internet.

17b) In referring to claim 5:

Limitation "The system according to claim 4, wherein said wireless terminal is an'always on' device" is matched (column 9, lines 33-54).

Laursen disclosed user device such as cellular telephone what is an "always-on" device. The combination would have been obvious because on of ordinary skill in the art would have been motivated to provide the users with portable, convenient and instant access to information being sough in the Internet.

18) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable Macroncini et al. (U.S. 6,834,110), as applied to claim 1 above, and further in view of Laursen et al. (U.S. 6,065,120)

In referring to claim 16:

Limitation "The communication device according to claim 15, wherein said wireless communication system is 'Always-on' connection." is matched (column 9, lines 33-54).

Macroncini disclosed:

- "A server, which is capable of performing a mutual authentication with the user device"

- "A data storage device connected to said server for storing said data"

- "A digital rights management engine connected to said server for determining rights attributed to authenticated users."

But he failed to teach about "wherein said wireless communication system is 'Always-on' connection." However, Laursen disclosed user device such as cellular phone what is an "always-on" device. The combination would have been obvious because on of ordinary skill in the art would have been motivated to provide the users with portable, convenient and instant access to information being sough in the Internet.

19) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable Macroncini et al. (U.S. 6,834,110), as applied to claim 1 above, and further in view of Laursen et al. (U.S. 6,065,120)

In referring to claim 9:

Limitation "The method according to claim 8, wherein said wireless communication is an 'always on' connection." is matched (column 9, lines 33-54).

Macroncini disclosed:

"Authenticating identification of said server and said user device"

"Requesting data to be communicated."

"Authorizing said data to be communicated based on rights attributed to said user device."

"Recording said authorization to provide for an trail."

"Communicating said data to said user device."

But he failed to teach about "The method according to claim 8, wherein said wireless communication is an 'always on' connection." However, Laursen disclosed user device such as cellular telephone what is an "always-on" device. The combination would have been obvious because on of ordinary skill in the art would have been motivated to provide the users with portable, convenient and instant access to information being sough in the Internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.
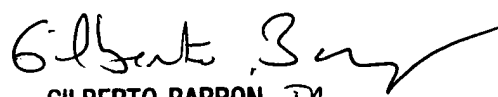
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2132

Ldt
01/01/2005

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100